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TAGS: [KCFE](#) [PARM](#) [PREL](#) [NATO](#) [GM](#)
SUBJECT: ADAPTED CFE: DRILLING DOWN ON GERMAN'S PROPOSALS

REF: BERLIN 1569

Classified By: Political Deputy M/C Stan Otto for reasons 1.4 (b/d)

¶1. (S) Summary. Germany believes allies should de-link the 1999 Istanbul Commitments from Adapted CFE (A/CFE) talks in order to make headway with Russia. Germany also thinks allies should formalize NATO's prior assurances of restraint and begin a discussion on the meaning of "substantial forces" in order to make flank regime provisions more palatable to Moscow. In doing so, Germany's hopes to quickly replace CFE with A/CFE as the governing arms control regime and the new basis upon which to negotiate any outstanding issues. To that end, Germany supports temporary implementation of A/CFE by all parties -- prior to ratification by allies. German officials have not shared the non-paper, which was given to U/S Tauscher by German Ambassador Scharioth during a November 30 meeting, with any other party. End Summary.

THREE GOALS -----

¶2. (S) MFA Office Director for Conventional Arms Control Michael Banzhaf reviewed with poloff the key points in a November 30 German non-paper on CFE and provided further background and justification for the proposed way ahead. According to Banzhaf, Germany hoped to accomplish three goals using the proposals outlined in its November 30 non-paper: 1) end Russia's CFE suspension; 2) soften Moscow's opposition to flank limits; and 3) quickly establish A/CFE as the new conventional arms control regime. In order to bring Russia back to the CFE regime, Banzhaf said the allies needed to offer a significant "ice-breaker" issue such as a discussion on the definition of "substantial combat forces". This specific discussion, he added, could take place in parallel with the ongoing A/CFE talks. Though separate discussions, Banzhaf noted that the two could be linked, so that any stall in A/CFE talks could be matched by also stalling talks on "substantial combat forces". Germany's expectation is that the beginning of the "substantial combat forces" talks, in earnest, might move Russia to re-engage on the CFE reporting and verification provisions that it suspended two years ago.

MAKING FLANKS LIMITS PALATABLE -----

¶3. (S) Banzhaf recognized that Russia had dug in its heels on the issue of flank limits and pointed to three non-paper proposals that -- as a package -- were aimed at making limits more palatable to Moscow. The first component would be the "ice-breaker" discussion on "substantial combat forces", the second would be a formalization of NATO's prior declarations of restraint, and third would be new provisions to prohibit foreign forces from filling empty treaty-limited "headroom" in countries referred to in the NATO declarations of restraint. Banzhaf believed these three offers -- as a group -- might encourage Russia to give way on flank limits.

14. (S) Banzhaf stressed that -- rather than spurring Russia along -- the Istanbul Commitments had weighted down A/CFE talks. Germany saw little chance for progress on these commitments within the context of A/CFE and, as a result, suggested de-linking the two. Banzhaf did not suggest easing pressure on Russia, but, instead, said that the allies might find other venues in which to tackle these issues. Banzhaf also underscored Germany's doubt that the myriad of Georgia/Russia problems could be solved via A/CFE and suggested breaking the "Georgia issue" completely out of the A/CFE. Acknowledging that Georgia should not feel ignored, Banzhaf pressed for parties to uphold their parts of the August 12, 2008 ceasefire agreement. In doing so, he stressed that no party would have to prejudice its position on final status. As a result, further discussions on Georgia could move from A/CFE circles to another forum like the ongoing talks in Geneva.

TEMPORARY IMPLEMENTATION

15. (S) Banzhaf emphasized that Germany preferred a rapid move toward A/CFE ratification -- with the door open for follow-on discussions between NATO and Russia to iron out remaining problems. To this end, he repeated the suggestion that parties settle on an acceptable interpretation of A/CFE and then agree to "temporary implementation" to bridge the gap until formal ratification of the treaty. Given the fact that countries are largely under their A/CFE-allowed limits, Banzhaf predicted that temporary implementation of A/CFE would require no changes to the status quo other than renewed reporting and verification on the part of Russia. However, Banzhaf noted that Germany would likely not insist on Russian adherence to flank limits during the temporary implementation phase -- relying on the hope that Russia would find no practical reason to boost its forces along the flank. Banzhaf hoped such an agreement could help build confidence without ruffling feathers among those national bodies responsible for ratification.

16. (S) Above all, Banzhaf stressed that Germany had only shared its November 30 non-paper with the U.S. and had not consulted with any other countries in developing its proposals. Moreover, it reflected strictly Germany's internal assessment on likely reactions from Russia. Only if the U.S. and Germany agree to move forward based on the non-paper would German officials try to engage other allies.

COMMENT

17. (S) Though the November 30 non-paper includes many proposals, Banzhaf insisted that only three are new, significant features. First is the de-linking of the Istanbul Commitments from the CFE -- which the Germans have made noises about for some time. Second is the limit on the use of national TLE "headroom" by foreign forces. And third is a call to lower territorial ceilings in flank countries -- whose forces, Germany argues, are already well below those allowed under current A/CFE provisions. However, Banzhaf emphasized that the non-paper should be a starting point for allied discussions and acknowledged that some parts require further thought -- such as the best way to address new concessions without forcing a new treaty negotiation.

18. (C) For now, German officials are mostly worried that the A/CFE is stuck and needs a firm push to get it started again. For its part, Germany's zeal for the CFE seems motivated by the belief that it provides for a verification regime that, itself, builds confidence and promotes engagement with Russia. However, we should also be mindful that Germany believes CFE (and A/CFE) will also give Moscow less reason to balance NATO's conventional forces by deploying Russian nuclear assets. The desired knock-on effect is that fewer nuclear forces on the Russian side will diminish the need for

NATO nuclear assets -- such as tactical nuclear weapons in
Germany. End Comment.
MURPHY